

# Staff Summary Report

**City Council Meeting Date:** 05/20/10

**Agenda Item Number:** \_\_\_\_

**SUBJECT:** Request for a Final Subdivision Plat for ALPHA DRIVE SUBDIVISION located at 720 South Rural Road.

**DOCUMENT NAME:** 201000520dskko03 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request for **ALPHA DRIVE SUBDIVISION (PL090485)** (Arizona Board of Regents-Arizona State University, Alpha 601 LLC, Garnet & Gold House Corp., Phi Sigma Kappa Properties, Arizona Alpha House Corp. of the Sigma Phi Epsilon Fraternity, Inc., All Greek Investors LLC, Alpha Sigma Housing Corporation, Inc., The Sigma Chi House Corp. of Epsilon Upsilon, Alumni Control Board Beta Psi Chapter Delta Sigma Phi, and the City of Tempe, owners; Steven Nielsen and Neil Calfee, Arizona State University, applicants) located at 720 South Rural Road in the GID, General Industrial District, the T.O.D., Transportation Overlay District, the MU-Ed, Mixed-Use Educational District and the RSOD, Rio Salado Overlay District, including the following:

**SBD10011** – Final Subdivision Plat to create eleven (11) lots and one (1) tract on +/- 18.76 net acres.

**PREPARED BY:** Kevin O'Melia, Senior Planner (480-350-8432)

**REVIEWED BY:** Lisa Collins, Development Services Planning Director (480-350-8989)

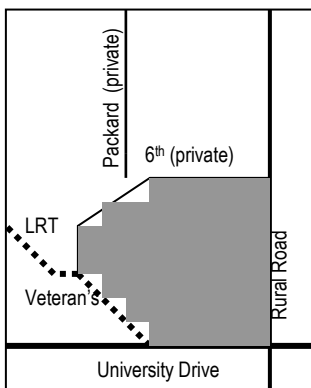
**LEGAL REVIEW BY:** Teresa Voss, Assistant City Attorney (480-350-8814)

**DEPARTMENT REVIEW BY:** Chris Anaradian, Development Services Manager (480-858-2204)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** **Staff – Approval, subject to conditions**

**ADDITIONAL INFO:** Net site area +/- 18.76 net acres



A final subdivision plat is being undertaken to facilitate re-development of the area that is bounded by University Drive to the south, Rural Road to the east, 6<sup>th</sup> Street to the north and northwest, and Veteran's Way / Light Rail alignment to the southwest.

**PAGES:**

1. List of Attachments
2. Comments / Reason for Approval
3. Conditions of Approval
- 4-5. History and Facts / Description / Zoning and Development Code Reference

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-4. Letter of Explanation, dated April 29, 2010
- 5-12. Subdivision Plat Documents, Sheets 1 through 8

## **COMMENTS:**

### **Project Analysis:**

The property area that is the subject of this subdivision plat is contained in the southeast corner of the Map of the Town of Tempe and includes parts of Blocks 11 through 14 and the Third Alley and Waste Ditch of this historic plat. Currently, the area is a patchwork of land owned by Arizona State University (ASU), eight fraternities and the City of Tempe.

The goals of this subdivision are as follows:

- To consolidate property for ASU along Rural Road and 6<sup>th</sup> Street prior to demolition of existing structures and redevelopment of the land.
- To provide manageable properties for each of the eight participating fraternities along University Drive and the Light Rail line prior to the redevelopment of these properties. For Lot 2, Lot 4, Lot 5, Lot 6 and Lot 7 the properties are configured to allow retention of the existing fraternity houses. The fraternities will have the option to consolidate their properties in the future for a unified development.
- To provide adequate access to each property via access easements,
- To buffer the abutting edge of the fraternity properties from ASU with a no-build easement on ASU's property.
- To remove conflicts in property ownership.

In each case the fraternity properties are to receive the same land area as has been held prior to this subdivision plat.

According to the Fidelity National Title Report Reference List, as printed on sheet 6 of 8, the property area that is the subject of this subdivision plat currently includes properties with twenty-three (23) separate Maricopa County Assessor parcel numbers. Of these, fourteen (14) belong to Arizona Board of Regents, eight (8) belong to eight separate fraternities and one (1) triangular parcel in the northwest of the subject property area belongs to the City of Tempe. Several of the parcels are in conflict—or in other words overlap—other parcels. Notably, the City of Tempe parcel (#132-25-018) is in conflict with other parcels including the Alpha 601, LLC parcel (#132-25-009D). The “triangular” parcel is located in an area that is to be divided between the Arizona Board of Regents and Garnet & Gold House. A separate item introduced on May 6, 2010 for City Council consideration (First Public Hearing) is whether and on what terms the City is to convey the “triangular” parcel to the Arizona Board of Regents so this subdivision may be completed as planned. Nearby, a remnant ASU “sliver” parcel surrounded by City of Tempe public right of way in the Veteran's Way / Light Rail alignment may be an item included in the negotiation of the conveyance of the “triangular” parcel.

## **REASON FOR APPROVAL:**

1.The Subdivision Plat conforms to the technical standards of Tempe City Code Chapter 30, Subdivisions.

**CONDITIONS OF APPROVAL:**

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe Development Services Department on or before May 20, 2011. Failure to record the plat on or before May 20, 2011, which is one (1) year from date of City Council approval, shall make the approval of the plat null and void.
2. Provide a separate Acknowledgment for the City of Tempe in the subdivision plat documents.
3. Provide a continuous 15.00 ft. wide easement for public use parallel to University Drive. Measure the width of the easement from the University Drive right of way line that is the common southern edge of Lot 10, Lot 8, Lot 9 and Lot 1 to a line that is 15.00 ft. north of the University Drive right of way line.
4. Provide a 45 degree cut-off triangular easement for public use that is adjacent to the northwest corner of Rural Road and University Drive. The east and south legs of the triangular easement measure 30.00 ft. by 30.00 ft. Place the triangular easement on Lot 1. Place the east leg on the Rural Road right of way line. Place the south leg parallel and 15.00 ft. north of the University Drive right of way line so the triangular easement abuts the public easement described in condition 3 above.
5. Amend the Zoning Map for properties that will be privately owned and are within the MU-Ed, Mixed Use-Educational District prior to redevelopment of these properties. The request for Zoning Map Amendment may be undertaken either by the present or future property owner, as outlined in the Intergovernmental Agreement # C2004-156A, dated September 30, 2004. Refer to "Zoning Regulations and Building Codes" in that document.

## HISTORY & FACTS:

June 22, 1888:

Map for the Town of Tempe was filed at request of Joseph Campbell, Probate Judge, at 3 o'clock P.M., June 22, 1888 (H. L. Wharton, County Recorder).

Note: This rectangular plat on the south side of the Salt River includes boundaries that have become Mill Avenue (west), University Drive (south) and Rural Road (east). The subject property of the Alpha Drive Subdivision is included in the southeast portion of the Map of the Town of Tempe.

September 30, 2004:

Amended and Restated Intergovernmental Agreement (IGA) # C2004-156A between Arizona Board of Regents and City of Tempe was made effective on September 30, 2004 and was recorded on November 1, 2004.

Note: Within the section of the IGA that pertains to MU-Ed zoning, the agreement allows either ASU or the subsequent land owner to apply to the City of Tempe for the appropriate zoning. This would allow the fraternities to amend the City of Tempe Zoning Map from MU-Ed to an appropriate district as they re-develop their properties. This provision in particular would apply to proposed Lot 3 and Lot 9 which are currently within the MU-Ed District and require another district for development by a private entity.

## DESCRIPTION:

### Owners

Tract A & Lots 1, 10 & 11:	Steven Nielsen, Assistant Vice President for Real Estate Development, Arizona Board of Regents, Arizona State University.
Lot 2:	J. Brian Amster, Alpha 601 LLC
Lot 3:	D. Christopher Ward, Garnet & Gold House Corporation, an Arizona Nonprofit Corporation
Lot 4:	Jeff Hawke, Phi Sigma Kappa Properties
Lot 5:	Jeremy Stolee, Arizona Alpha House Corporation of the Sigma Phi Epsilon Fraternity, Incorporated, an Arizona Corporation
Lot 6:	Jeff Hawke, All Greek Investors, LLC, an Arizona Limited Liability Company
Lot 7:	Gary Shapiro, Alpha Sigma Housing Corporation, Incorporated, an Arizona Corporation
Lot 8:	Todd Chase, the Sigma Chi House Corporation of Epsilon Upsilon, an Arizona Nonprofit Corporation
Lot 9:	Jim Greener, Alumni Control Board, Beta Psi Chapter, Delta Sigma Chi, an Arizona Nonprofit Corporation
Triangle Parcel:	City of Tempe (this parcel occupies portions of the areas proposed for Lot 3, Lot 11 and Tract A in the northwest corner of the subdivision).

### Land Surveyor

Blair C. Meggitt R.L.S., Brady Aulerich & Associates, Inc.

### Applicants

Steven Nielsen and Neil Calfee, Arizona State University

### General Plan 2030

Projected Land Use: Residential

Projected Residential Density: High Density, greater than 25 d.u./ac.

**Existing Zoning**

GID / TOD:

For the major portion of the subject site up to a buffer area that is approximately 100 ft. away from the Rural Road and University Drive right of way lines, the zoning is GID, General Industrial District and TOD, Transportation Overlay District. This includes the greater part of Lot 1, the entire Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 11, Lot 7 except the southwestern tip, Tract A except where adjacent to Rural Road and the northern part of Lot 8.

MU-Ed:

At the buffer area adjacent to the two arterials the zoning is MU-Ed, Mixed Use-Educational District. This includes the eastern edge of Lot 1, the eastern tip of Tract A, the greater (southern) part of Lot 8, and the entire Lot 9 and Lot 10.

RSOD:

The entire subject site is within the Rio Salado Overlay District.

**Site**

Net site area (Tract A):	1.900 acres (82,773.84 sf.)
Net site area (Lot 1):	10.680 acres (465,218.09 sf.)
Net site area (Lot 2):	0.748 acres (32,603.03 sf.)
Net site area (Lot 3):	0.651 acres (28,360.38 sf.)
Net site area (Lot 4):	0.685 acres (29,853.00 sf.)
Net site area (Lot 5):	0.782 acres (34,080.99 sf.)
Net site area (Lot 6):	0.741 acres (32,316.19 sf.)
Net site area (Lot 7):	0.679 acres (29,572.00 sf.)
Net site area (Lot 8):	0.811 acres (35,313.80 sf.)
Net site area (Lot 9):	0.692 acres (30,128.90 sf.)
Net site area (Lot 10):	0.163 acres (7,103.86 sf.)
Net site area (Lot 11):	0.224 acres (9,784.85 sf.)

Total site area	+/- 18.76 acres (734,335.09 sf.)
-----------------	----------------------------------

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-307: Subdivisions, Lot Splits and Adjustments.